

Thompson, M And Laura R Vs. Klein Contracting Corp Et Al.

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1 IN THE STATE COURT OF DEKALB COUNTY  
2 STATE OF GEORGIA  
3

4 MICHELLE THOMPSON and  
5 LAURA ROSENCRANTZ,  
6 Plaintiffs

7 vs.

CIVIL ACTION FILE  
NO. 20A83659

8 KLEIN CONTRACTING CORP., and  
9 JOSEPH P. TUCCINARDI,  
10 Defendants  
11  
12  
13

14 DEPOSITION OF CANDACE KLEIN  
15 TAKEN BY REMOTE VIDEOCONFERENCE

16 Wednesday, May 12, 2021

17 10:00 a.m.

18 Witness remote location: Doraville, Georgia

19 Heather S. Cruz, RPR, CCR-2727  
20  
21  
22  
23  
24  
25

1 A. It is.

2 Q. Great. So it talks about in this letter the  
3 relocation and things like that.

4 What was your understanding as far as, you  
5 know, how long it would take him to relocate or his plans  
6 for making that relocation from Florida to Georgia?

7 A. He indicated that his fiancée was -- had  
8 received an offer in her line of work, and they were  
9 simply waiting for her line of work to -- she was a  
10 dancer in the Atlanta Ballet, I believe, or someone had  
11 made her an offer. They were waiting for them to open up  
12 for them to totally move from Georgia -- from Florida to  
13 Georgia. So he was waiting on her for that move. But  
14 until then, he would be both in our office and working  
15 remotely in Florida.

16 Q. As I understand it, he worked for Klein  
17 Contracting for about five weeks; is that right?

18 Well, let me rephrase that question. I think  
19 he worked for five weeks before the wreck that we're here  
20 about today took place?

21 A. I believe it was about a month to five weeks.  
22 Yes.

23 Q. And during that time frame, was he working more  
24 virtually or here in the Atlanta area?

25 A. At the time, he was more in the Atlanta area.

1 BY MR. MILDENHALL:

2 Q. Were you aware of any instances where  
3 Mr. Tuccinardi broke the law while driving a Klein  
4 company vehicle prior to this collision?

5 MR. MIRANDA: Object to the form.

6 A. No.

7 BY MR. MILDENHALL:

8 Q. Were you aware of any instances where  
9 Mr. Tuccinardi violated Klein company fleet policies  
10 prior to this collision?

11 MR. MIRANDA: Object to the form.

12 MR. SCHULTZ: Same objection.

13 A. No.

14 BY MR. MILDENHALL:

15 Q. And you were kind enough to produce to us the  
16 Klein fleet -- I guess the whole Employee Handbook,  
17 including therein the fleet policy.

18 And let me see if I can get that pulled up.  
19 One second here.

20 All right. You should be looking at Klein  
21 Contracting 000044, the bates stamp. Do you see that  
22 Chapter 14 Fleet Safety?

23 A. I do.

24 Q. And is this part of the Klein Contracting  
25 Employee Handbook?

1 We don't support golf. We don't take clients out  
2 golfing.

3 I wouldn't even know -- I know where two  
4 courses are in Atlanta by default because other people I  
5 know go there. So I'm sorry. I don't even -- I couldn't  
6 even tell you on a map where Andersonville is. I  
7 apologize. Not my thing.

8 And no one here -- again, no one here plays  
9 golf. We don't know anything about it. We don't support  
10 golf. We don't sponsor golf. We don't --

11 Q. Understood. What about do you know which hotel  
12 he was staying in at the time?

13 A. I'm sorry. I do not.

14 Q. Do you know where the hotel was located?

15 A. No. I'm sorry. I would have assumed it would  
16 have been somewhere that would have been convenient to  
17 Doraville.

18 Q. And your understanding is at least from what  
19 you learned from Mr. Tuccinardi or otherwise, that he was  
20 going on to his way back to the hotel after having dinner  
21 at Grub, the restaurant he was at that day?

22 A. I'm sorry. I don't understand the question.

23 I --

24 Q. Go ahead.

25 A. No. Go ahead. Please.

1 Was there anything wrong with him as far as  
2 company policies are concerned with him taking the work  
3 vehicle down to the site for the inspection or the bid?

4 A. It would have been extremely atypical for him  
5 to on a weekend take any vehicle anywhere.

6 Q. And how did he get the keys to the other truck,  
7 did he have access to other vehicles on a regular  
8 basis?

9 A. He had access to the office which would have  
10 given him access to the other vehicles, where the keys  
11 are stored.

12 Q. And for the company vehicle that Mr. Tuccinardi  
13 had. I think we talked about this. But on the weekends,  
14 he was allowed to use his company vehicle within the  
15 policies that we talked about earlier for personal use?

16 A. During COVID, we were in an atypical time.  
17 Also, during the time of COVID, we were also very limited  
18 as to what we could do or how we could do it.

19 Q. Sure. What I'm trying to figure out though, so  
20 for the activities that you've learned about that he was  
21 engaged in, you know, going to the POW Museum, although  
22 it was atypical timing, nothing within his use of the  
23 vehicle, company vehicle was outside of the Klein  
24 Contracting personal or I guess business use policies?

25 MR. SCHULTZ: Objection. Form. Briant, are

1 outside of COVID.

2 BY MR. MILDENHALL:

3 Q. Well, let's move on then to his use of the  
4 company vehicle.

5 You mentioned errands. Are you aware of any  
6 specific errands that he was doing between the golf and  
7 the dinner?

8 A. No.

9 Q. Would running errands, such as going to the  
10 grocery store and going to dinner on the weekend with the  
11 Klein company vehicle be within the company's policy for  
12 personal use of company vehicles and the agreement  
13 Mr. Tuccinardi had with Klein Contracting?

14 A. It was my assumption that people were simply  
15 going to the grocery store and going home during COVID in  
16 any company vehicle.

17 Q. Let me understand your response though.

18 So those types of activities were approved for  
19 the personal, you know, they were approved in the  
20 personal use policies and Mr. Tuccinardi's agreement with  
21 Klein Contracting for his personal use of the company  
22 vehicle?

23 A. Yes.

24 Q. If you put aside -- well, let me ask you what  
25 you understand about how this collision took place. Just

1 tell me what you've learned from your investigation,  
2 outside of what you've learned from your attorneys.

3 A. Can you be more specific?

4 Q. Sure. How did the wreck -- how did the  
5 collision itself take place?

6 A. Do you want me to be specific regarding police  
7 report, accident investigation; can you be more  
8 specific.

9 Q. Just your understanding that's in your mind  
10 right now as to what happened.

11 A. It is my understanding that at some point in  
12 time, Mr. Tuccinardi drove to Grub Burger and went inside  
13 the restaurant and sat down at the restaurant. And it is  
14 my understanding that he was on the phone at the time  
15 with his fiancée and got into a fight and proceeded to  
16 order multiple beverages.

17 Then it is my understanding that he, after  
18 ordering excessively, got up and left the restaurant.  
19 And it was my understanding that he hit a parked car.

20 Q. And you've formed this understanding by talking  
21 with Mr. Tuccinardi after the incident itself took  
22 place?

23 A. Yes.

24 Q. And you mentioned police reports. Have you  
25 reviewed any police reports related to this incident?

1 A. That is correct.

2 Q. Okay. And while personal errands may be  
3 permitted in company vehicles, and personal use, playing  
4 golf is not a term of Mr. Tuccinardi's or was not a term  
5 of his employment with Klein; is that correct?

6 A. That is correct.

7 Q. Okay. And to your knowledge, was he on the  
8 golf course with a client or a prospective client?

9 A. He never had any interaction with any client or  
10 prospective client, to my knowledge.

11 Q. Okay. And the vehicle he was in when the  
12 accident occurred on August 1st, 2020, that is not the  
13 same vehicle that he used to drive to the job site that  
14 morning; is that correct?

15 A. That is correct.

16 Q. Okay. Walk us through your understanding of  
17 the vehicle he was in, the vehicle he got in, the vehicle  
18 he returned in.

19 A. Yes. He would have come to Klein Contracting  
20 to pick up the different vehicle because he needed a  
21 ladder rack in order to get onto the roof system. So he  
22 came in, picked up a vehicle with a ladder rack in order  
23 to look at that job.

24 That is not typical either. But if he's going  
25 at an atypical time and it's all an atypical world that